

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BOSTON SCIENTIFIC CORPORATION and)	
BOSTON SCIENTIFIC SCIMED, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-768-SLR
)	
CONOR MEDSYSTEMS, INC.,)	
)	
Defendant.)	

CONOR'S RESPONSE TO BSC'S THIRD NOTICE OF DEPOSITION

Conor Medsystems, Inc. ("Conor") hereby objects and responds to Boston Scientific Corporation and Boston Scientific SciMed, Inc. (collectively, "BSC")'s Third Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6) ("Notice"), served on February 7, 2007, as follows:

GENERAL OBJECTIONS

Conor incorporates by reference its General Objections set forth in Conor's Response to BSC's Notice of Deposition.

SPECIFIC OBJECTIONS AND RESPONSES

CATEGORY NO. 1:

The basis of Conor's contention that BSC is not entitled to injunctive relief, including in particular the statements in Conor's Response to BSC's Interrogatory No. 10.

RESPONSE TO CATEGORY NO. 1:

Conor objects to this topic to the extent it seeks the production of documents or information protected by the attorney-client privilege, work-product immunity or other applicable privilege or immunity. Conor further objects to this topic as seeking information

properly requested in a contention interrogatory. Conor has already fully responded to an interrogatory on this question. Conor will not produce a fact witness on this topic. See, e.g., Judge Robinson's ruling in Arthrocare v. Smith & Nephew, 01-504 (D. Del.), D.I. 177, 01-504 (Oct. 15, 2002 Tr. at 13-14); Exxon Research v. United States, 44 Fed. Cl. 597 (1999) (quashing 30(b)(6) notice on claim construction in favor of contention interrogatories); In re Indep. Serv. Orgs. Antitrust Litig., 168 F.R.D. 651, 654 (D. Kan. 1996) (rejecting contention depositions in favor of contention interrogatories); McCormick-Morgan, Inc. v. Teledyne Industries, 134 F.R.D. 275 (N.D. Cal. 1991) (prohibiting 30(b)(6) depositions on contentions relating to the merits of patent case).

ASHBY & GEDDES

/s/ Lauren E. Maguire

Steven J. Balick (I.D. #2114)

John G. Day (I.D. #2403)

Lauren E. Maguire (I.D. #4261)

500 Delaware Avenue, 8th Floor

P.O. Box 1150

Wilmington, DE 19899

(302) 654-1888

sbalick@ashby-geddes.com

jday@ashby-geddes.com

lmaguire@ashby-geddes.com

Attorneys for Defendant

Of Counsel:

Gregory L. Diskant

Eugene M. Gelernter

Kathleen M. Crotty

Scott W. Parker

Ravi V. Sitwala

Diana Breau

Patterson, Belknap, Webb & Tyler, LLP

1133 Avenue of the Americas

New York, NY 10036

Telephone: (212) 336-2000

Matthew D. Powers
Jared B. Bobrow
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3000

Courtland L. Reichman
King & Spalding
1180 Peachtree Street, NE
Atlanta, GA 30309
Telephone: (404) 572-4600

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